IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5581 of 2007()

CRIME NO. 214/07 OF BALARAMAPURAM POLICE STATION

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PETITIONER : 1ST ACCUSED (IN CUSTODY)

SHAJI @ NEELAN,
S/O.SOMAN, ELAVINKUZHY VEEDU
AVANAKUZHY, ATHIYANNOOR DESOM,
ATHIYANNOOR VILLAGE

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.R.V.SREEJITH

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5581 of 2007

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Dated this the 17th day of September, 2007

O R D E R

Application for regular bail. The petitioner faces allegations for offences punishable, inter alia, under Sections 326 and 307 r/w. 34 I.P.C. Altogether there are four accused persons. The petitioner is the first accused. The co-accused have not been arrested yet. The alleged incident took place on 13.6.2007. The petitioner was arrested on 14.6.07 in an Abkari crime and his arrest was recorded in this crime w.e.f. 25.6.2007. He continues in custody from that date.

2. An earlier application for bail filed by him was dismissed by this Court as per order dt. 19/8/2007 in B.A. 4215 of 2007 with observation. In pursuance of that observation, later the petitioner applied for regular bail before the learned Sessions Judge. That petition was dismissed and he continues in custody even now.

3. The learned counsel for the petitioner prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that the petitioner, who has remained in custody from 14.6.07, of course his arrest having been recorded in this crime only on 25.6.07, can

now be enlarged on bail subject of course to appropriate conditions. The investigation is not complete yet, submits the Prosecutor.

4. In the result:

1) This application is allowed.

2) The petitioner shall be released on bail on the following terms and conditions.

(a) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(c) The petitioner shall not, except for the purpose of complying with condition (b) above, enter the jurisdiction of Balaramapuram police station for the said period of two months without the prior permission of the learned Magistrate.

(R. BASANT)
Judge

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